

EXHIBIT 4

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7 Attorneys for Defendant
8 GREEN TREE SERVICING LLC
now known as Ditech Financial LLC
9 (erroneously named as
Green Tree Services, LLC)

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

14 LEE C. KAMIMURA, individually and
all others similarly situated,

15 Plaintiff,

16 vs.

17 GREEN TREE SERVICES, LLC,

18 Defendant.

Case No. 2:16-cv-00783-APG-CWH
**DEFENDANT GREEN TREE
SERVICING LLC'S RESPONSES
TO PLAINTIFF LEE C.
KAMIMURA'S FIRST SET OF
SPECIAL INTERROGATORIES**

21 PROPOUNDING PARTY: Plaintiff LEE C. KAMIMURA

22 RESPONDING PARTY: Defendant GREEN TREE SERVICING LLC

23 SET NO.: ONE

24 Pursuant to Federal Rules of Civil Procedure, Rule 33, defendant Ditech
25 Financial LLC ("Ditech"), formerly known as Green Tree Servicing LLC, responds
26 to plaintiff Lee C. Kamimura's First Set of Special Interrogatories (the
27 "Interrogatories") as follows:

28 **GENERAL OBJECTIONS**

1 1. Ditech objects to these Interrogatories to the extent that they purport to
2 impose obligations on Ditech greater than those required under the FRCP. In
3 responding to these Interrogatories, Ditech will comply with its obligations under
4 FRCP and other applicable provisions of federal law, but will not provide additional
5 information requested by Plaintiff or take other steps not required under the FRCP.

6 2. Ditech objects that these Interrogatories are overbroad and unduly
7 burdensome.

8 3. Pursuant to FRCP Rule 26(b)(2)(B), Ditech will not provide
9 information that is not reasonably accessible because of undue burden or cost.

10 4. Ditech objects that these Interrogatories are overbroad to the extent
11 they request information relating to Ditech's credit reporting relating to Plaintiff's
12 account. The allegations in this case are very narrow and limited to whether or not
13 Ditech accessed Plaintiff's and putative class members' credit information without a
14 permissible business purpose to do so. As such, requests for information relating to
15 credit reporting, credit reporting disputes, and/or other general records relating to
16 Plaintiff's credit history are overbroad as they seek information that is not relevant
17 to the parties' claims and defenses.

18 5. Ditech objects to these Interrogatories to the extent they purport to seek
19 information relating to purported absent class members. Ditech maintains that this
20 case is not appropriate for class certification and that, even if a class were ultimately
21 certified, the class definition would have to be limited and/or altered significantly.
22 Class certification has not yet been adjudicated. Therefore, Plaintiff has no standing
23 to represent any purported absent class members and cannot issue discovery
24 requests on their behalf. Interrogatories seeking information related to purported
25 absent class members are not relevant to the proceeding as they are not related to
26 either parties' claims or defenses. (See Fed. R. Civ. P. 26(b)(1).) Moreover, the
27 parties agreed in the October 5, 2016 scheduling order that pre-class certification
28 discovery would be limited to the merits of the named Plaintiff's claims and

1 elements of Rule 23.

2 6. Ditech objects to these Interrogatories to the extent that they directly or
3 indirectly seek information that is protected by the attorney-client privilege, attorney
4 work product doctrine or other applicable privileges which prevent disclosure of
5 such information. Any disclosure of privileged information in its responses to these
6 Interrogatories is unintentional and should not be deemed a waiver of privilege by
7 Ditech.

8 7. Ditech objects to these Interrogatories to the extent that they request
9 responses based on proprietary, private, and/or sensitive or confidential information.
10 Ditech will not disclose such information unless, and until, the parties finalize an
11 appropriate protective order protecting such information from disclosure to third
12 parties.

13 8. Ditech objects to these Requests to the extent that they request sensitive
14 financial or personal information pertaining to individual third parties, as the
15 disclosure of such information would violate such individual third parties' right to
16 privacy.

17 9. Ditech is continuing its investigation and makes these responses based
18 on information it has obtained to date. Ditech reserves the right to revise, correct,
19 supplement, or clarify any of these responses as may be warranted by Ditech's
20 ongoing investigation in its defense of this action.

21 10. By submitting these responses, Ditech does not in any way adopt
22 Plaintiff's purported definitions of words and phrases contained in this discovery
23 set. Ditech objects to those definitions to the extent that they are inconsistent with
24 (a) the ordinary and customary meaning of such words and phrases, (b) the rules
25 governing the form and scope of discovery or (c) the definitions set forth by Ditech
26 in its responses.

27 11. Each of these responses and general objections is incorporated into
28 Ditech's responses to the individual requests set forth below, as if fully set forth

1 therein.

2 **SPECIAL INTERROGATORY NO. 1:**

3 Please state the full name, present address, employer, title and occupation of
4 all persons providing information and documents responsive to these requests.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

6 Ditech objects that the request seeks information that is not relevant to the
7 claims and defenses of the parties. Ditech further objects to the requests information
8 in violation of the right to privacy of third parties who are not parties to this lawsuit.

9 Subject to its specific and general objections stated above, and without waiver
10 of any of those objections, Ditech responds: These discovery responses were
11 prepared by Ditech's counsel with assistance from the undersigned employee of
12 Ditech who can be contacted through Ditech's counsel.

13 **SPECIAL INTERROGATORY NO. 2:**

14 Please identify all individuals known to you or your attorney who are
15 witnesses to the events described in Plaintiff's Complaint or to any event which is the
16 subject of any defense you have raised to this lawsuit. For each such person, please
17 provide a brief summary of facts to which each might or could testify. Also for each
18 such person, please state the following:

19 a. Please state whether each such person is affiliated with, or related to, or
20 employed by any party (or its agents, servants, officers, or employees) to this
21 lawsuit;

22 b. If any of the persons so listed in response to this interrogatory do not fit
23 the characterization in subpart A above, please describe the nature of their
24 involvement in this lawsuit;

25 c. Please explain and describe your understanding of their knowledge of
26 such facts.

27

28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

2 Ditech objects that this interrogatory is premature as discovery in this case is
3 only in its beginning stages. Ditech further objects that this interrogatory is
4 compound. Ditech further objects to this interrogatory as overbroad and unduly
5 burdensome. Ditech further objects to this interrogatory to the extent it seeks
6 information protected by the attorney-client and/or attorney work product privilege.

7 Subject to its specific and general objections stated above, and without waiver
8 of any of those objections, Green Tree responds:

- 9 - Plaintiff, Lee Kamimura;
10 - Representative of Ditech Financial LLC, c/o Severson & Werson, P.C.,
11 One Embarcadero Center, 26th Floor, San Francisco, California 94111, telephone:
12 (415) 398-3344. This representative has knowledge relating to Ditech's accessing
13 of Plaintiff's credit information and Ditech's policies and procedures for accessing
14 credit information of borrowers who have received a Chapter 13 bankruptcy
15 discharge. Ditech reserves the right to name additional witnesses as discovery in
16 this case continues.

17 **SPECIAL INTERROGATORY NO. 3:**

18 Please list, explain, and describe documents known to you or believed by you
19 to exist concerning any of the events described in Plaintiff's Complaint or
20 concerning any of the events which are the subject(s) of any defense(s) you have
21 raised to this lawsuit.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

23 Ditech objects that this interrogatory is vague and ambiguous as it does not
24 specify the information sought with reasonable particularity. Ditech further objects
25 that the interrogatory is unduly burdensome. Ditech further objects that the request
26 seeks information that is not relevant to the claims and defenses of the parties.
27 Ditech further objects to this interrogatory to the extent it seeks information that is
28 not in Ditech's custody or control.

1 Ditech objects to this interrogatory to the extent it seeks information protected
2 by the attorney-client and/or attorney work product privilege. Ditech further objects
3 to the interrogatory to the extent it seeks disclosure of trade secrets or proprietary
4 information. Ditech also objects to this interrogatory to the extent that it seeks
5 sensitive financial or personal information pertaining to individual third parties, as
6 the disclosure of such information would violate such individual third parties' right
7 to privacy.

8 Subject to its specific and general objections stated above, and without waiver
9 of any of those objections, Ditech responds: Identifying or describing all of
10 documents relating to any events described in the complaint would require an
11 examination, audit, compilation, abstract, or summary of Ditech's business records,
12 and that the burden of determining this answer would be substantially the same for
13 Plaintiff as it would be to Ditech. Accordingly, Ditech exercises its right pursuant to
14 Fed. R. Civ. P. 33(d) and refers Plaintiff to the records produced by Ditech in
15 response to Plaintiff's requests for production.

16 **SPECIAL INTERROGATORY NO. 4:**

17 Please identify all individuals known to you or your attorney who are not
18 witnesses, but who you have reason to believe have knowledge pertinent to the
19 events at issue as alleged in Plaintiff's Complaint, and provide a brief summary of
20 the facts to which each such person could testify. For each person, please state, the
21 following:

22 a. Please state whether each such person is affiliated with, or related to, or
23 employed by any party (or its agents, servants, officers, or employees) to this
24 lawsuit;

25 b. If any persons so listed in response to this interrogatory do not fit the
26 characterization in subpart A above, please describe the nature of their involvement
27 in this lawsuit;

c. Please explain and describe your understanding of their knowledge of such facts,

RESPONSE TO SPECIAL INTERROGATORY NO. 4:

Ditech objects that this interrogatory is premature as discovery in this case is only in its beginning stages. Ditech further objects that this interrogatory is compound. Ditech further objects to this interrogatory as overbroad and unduly burdensome. Ditech further objects to this interrogatory to the extent it seeks information protected by the attorney-client and/or attorney work product privilege.

Subject to its specific and general objections stated above, and without waiver of any of those objections, Green Tree responds:

- Plaintiff, Lee Kamimura;
- Representative of Ditech Financial LLC, c/o Severson & Werson, P.C., One Embarcadero Center, 26th Floor, San Francisco, California 94111, telephone: (415) 398-3344. This representative has knowledge relating to Ditech's accessing of Plaintiff's credit information and Ditech's policies and procedures for accessing credit information of borrowers who have received a Chapter 13 bankruptcy discharge. Ditech reserves the right to name additional witnesses as discovery in this case continues.

SPECIAL INTERROGATORY NO. 5:

For each paragraph of Plaintiff's Complaint for which you deny the allegations, please explain and describe any facts which you believe may support each denial.

RESPONSE TO SPECIAL INTERROGATORY NO. 5:

Ditech objects that this request is unduly burdensome and oppressive. Ditech further objects that this request is compound. The Second Amended Complaint contains sixty-four paragraphs. As such, this request constitutes sixty-four separate interrogatories, which would exceed the number of interrogatories allowed under FRCP Rule 26 that limits parties to twenty-five interrogatories. Ditech further

1 objects to this interrogatory to the extent it seeks information protected by the
2 attorney-client and/or attorney work product privilege.

3 **SPECIAL INTERROGATORY NO. 6:**

4 Identify by name the publisher, publisher's address, vendor and vendor's
5 address, of any commercial software which you use to maintain, bill, collect, report
6 or inquire into any information relating to your consumer accounts or application
7 information relating to your consumer accounts.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

9 Ditech objects that this interrogatory is vague and ambiguous as it does not
10 specify the information sought with reasonable particularity. Ditech further objects
11 that the interrogatory is overbroad, unduly burdensome, and seeks information that
12 is not relevant to the claims and defenses of the parties. As stated, the request seeks
13 information relating to any software system Ditech uses for all servicing-related
14 activities and is not limited in any way.

15 **SPECIAL INTERROGATORY NO. 7:**

16 Please provide the dates of each and every communication Defendant had
17 with Plaintiff of any other party to this lawsuit concerning any facts or allegations
18 described in this lawsuit or any pleading you have filed or may file, identify the
19 persons with whom you communicated, and explain and describe the contents of
20 your communication.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

22 Ditech objects that the interrogatory is overbroad and unduly burdensome.
23 Ditech further objects that the interrogatory seeks information that is not relevant to
24 the claims and defenses of the parties. Ditech objects to this interrogatory to the
25 extent it seeks documents protected by the attorney-client and/or attorney work
26 product privilege. Ditech also objects to this interrogatory to the extent that it seeks
27 sensitive financial or personal information pertaining to individual third parties, as
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1 the disclosure of such information would violate such individual third parties' right
2 to privacy.

3 Subject to its specific and general objections stated above, and without waiver
4 of any of those objections, Ditech responds: Identifying or describing all
5 communications Ditech had relating to the facts and allegations in this lawsuit
6 would require an examination, audit, compilation, abstract, or summary of Ditech's
7 business records, and that the burden of determining this answer would be
8 substantially the same for Plaintiff as it would be to Ditech. Accordingly, Ditech
9 exercises its right pursuant to Fed. R. Civ. P. 33(d) and refers Plaintiff to the records
10 produced by Ditech reflecting the communication history on Plaintiff's loan.

11 **SPECIAL INTERROGATORY NO. 8:**

12 Please explain and describe what actions you took as a result of Plaintiff filing
13 for Bankruptcy and the disposition of your actions in connection with each contact
14 or communication.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

16 Ditech objects that this interrogatory is vague and ambiguous as it does not
17 specify the information sought with reasonable particularity. Among other reasons,
18 the request is vague in its use of the undefined phrase "the disposition of your
19 actions in connection with each" unidentified "contact or communication." Ditech
20 further objects that the interrogatory is overbroad, unduly burdensome, and seeks
21 information that is not relevant to the claims and defenses of the parties. Ditech
22 also objects that the interrogatory is unnecessary and harassing as it seeks
23 information that is publicly available and thus equally accessible to Plaintiff.

24 **SPECIAL INTERROGATORY NO. 9:**

25 Please identify the date, recipient, and content (as recorded by Metro or Metro
26 2 data or other consumer dispute software) of occurrence during the preceding seven
27 years in which you reported credit data regarding Plaintiff.
28

RESPONSE TO SPECIAL INTERROGATORY NO. 9:

Ditech objects that the interrogatory is overbroad, unduly burdensome, and seeks information that is not relevant to the claims and defenses of the parties. The Complaint contains no allegations relating to Ditech's credit reporting on Plaintiff's account. Moreover, the allegations against Ditech all purportedly occurred after April 21, 2014.

SPECIAL INTERROGATORY NO. 10:

Please list, explain, and describe each and every code contained in each of your computerized records that you have produced. For each such code, please also explain and describe, in detail, the purpose of such code, the content of such action, the duration of such action, and the reason you permitted such action or entry.

RESPONSE TO SPECIAL INTERROGATORY NO. 10:

Ditech objects that the interrogatory is overbroad, unduly burdensome, and seeks information that is not relevant to the claims and defenses of the parties. The interrogatory is overbroad, among other reasons, in its request that Ditech define every code used in its computerized servicing records, and is not limited in any way.

SPECIAL INTERROGATORY NO. 11:

Please describe your policies and procedures for making inquiries [sic] on consumers' credit reports including how you decide which credit reports to access.

RESPONSE TO SPECIAL INTERROGATORY NO. 11:

Ditech objects that this interrogatory is vague and ambiguous as it does not define the term "consumers' credit reports." Ditech further objects that this interrogatory is overbroad, unduly burdensome, and seeks information that is not relevant to the claims and defenses of the parties to the extent it seeks general information relating to the accessing of borrowers credit information, and is not limited to making credit inquiries following a Chapter 13 bankruptcy discharge.

Subject to its specific and general objections stated above, and without waiver of any of those objections, Ditech responds: Identifying the requested policies and

1 procedures would require an examination, audit, compilation, abstract, or summary
2 of Ditech's business records, and that the burden of determining this answer would
3 be substantially the same for Plaintiff as it would be to Ditech. Accordingly, Ditech
4 exercises its right pursuant to Fed. R. Civ. P. 33(d) and refers Plaintiff to the records
5 produced by Ditech reflecting its policies and procedures relating to accessing the
6 credit information of borrowers following a Chapter 13 bankruptcy discharge that
7 were in effect between April 8, 2011 and the present.

8 **SPECIAL INTERROGATORY NO. 12:**

9 Please describe your policies and procedures for making "Account Review"
10 inquires on consumers' credit reports including how you decide which credit reports
11 to access for account review purposes.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

13 Ditech objects that this interrogatory is vague and ambiguous as it does not
14 define the term "consumers' credit reports." Ditech further objects that this
15 interrogatory is overbroad, unduly burdensome, and seeks information that is not
16 relevant to the claims and defenses of the parties to the extent it seeks general
17 information relating to the accessing of borrowers credit information, and is not
18 limited to making credit inquiries following a Chapter 13 bankruptcy discharge.

19 Subject to its specific and general objections stated above, and without waiver
20 of any of those objections, Ditech responds: Identifying the requested policies and
21 procedures would require an examination, audit, compilation, abstract, or summary
22 of Ditech's business records, and that the burden of determining this answer would
23 be substantially the same for Plaintiff as it would be to Ditech. Accordingly, Ditech
24 exercises its right pursuant to Fed. R. Civ. P. 33(d) and refers Plaintiff to the records
25 produced by Ditech reflecting its policies and procedures relating to accessing
26 borrowers' credit information following a Chapter 13 bankruptcy discharge that
27 were in effect between April 8, 2011 and the present.

SPECIAL INTERROGATORY NO. 13:

List any and all times, dates, and reasons for accessing Plaintiff's credit reports before the filing of this lawsuit.

RESPONSE TO SPECIAL INTERROGATORY NO. 13:

Ditech objects that this interrogatory is vague and ambiguous as it does not define the term "credit reports." Ditech further objects that this interrogatory is overbroad, unduly burdensome, and seeks information that is not relevant to the claims and defenses of the parties to the extent it seeks information relating to instances in which Ditech accessed Plaintiff's credit information prior to April 21, 2014.

Subject to its specific and general objections stated above, and without waiver of any of those objections, Ditech responds: Ditech performed account reviews of Plaintiff's account on or about June 11, 2014, September 3, 2014, and December 19, 2014.

SPECIAL INTERROGATORY NO. 14:

If you deny your credit report inquiry into Plaintiff's Experian credit report occurred, as complained of in his lawsuit, please explain and describe, in the greatest degree of detail, what facts you believe exist to support your belief and identify any witness who you believe will support or testify in support of your belief.

RESPONSE TO SPECIAL INTERROGATORY NO. 14:

Ditech objects that this interrogatory is vague and ambiguous as it does not define the term "credit report." Ditech further objects that this interrogatory is vague and ambiguous as it does not specify the information sought with reasonable particularity. The complaint does not contain any allegations that Ditech accessed Plaintiff's Experian credit report. Thus, as stated the interrogatory requests information that is not relevant to the parties' claims and defenses.

1 **SPECIAL INTERROGATORY NO. 15:**

2 Do you contend you had a permissible purpose to make an account inquiry
3 into Plaintiffs' TransUnion credit report in December 2014? If so, what is the
4 permissible purpose?

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

6 Ditech objects that this interrogatory is vague and ambiguous as it does not
7 define the term "credit report." Subject to its specific and general objections stated
8 above, and without waiver of any of those objections, Ditech responds: Ditech
9 contends that it had a permissible business purpose to access Plaintiff's account in
10 December 2014 under 15 USC § 1681b(a)(3).

11
12 Dated: December 21, 2016

13 SEVERSON & WERSON
14 A Professional Corporation

15
16 By Mary Kate Kamka
17 Mary Kate Kamka

18
19 Attorneys for Defendant
20 GREEN TREE SERVICING LLC now
21 known as Ditech Financial LLC
22 (erroneously named as Green Tree
23 Services, LLC)
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VERIFICATION

I, Christy Christenson, am employed by Ditech Financial, LLC, formerly known as Green Tree Servicing LLC, and am authorized to make this verification on behalf of it. Based upon my review of business records, information assembled by authorized agents at Ditech, and/or my personal knowledge, the facts stated in Ditech's responses to plaintiff's first set of interrogatories are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20 day of December, 2016.

By: _____



Christy Christensen

PROOF OF SERVICE

Kamimura vs. Green Tree Services, LLC
U.S.D.C., District of Nevada Court Case No. 2:16-cv-00783-APG-CWH

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On December 21, 2016, I served true copies of the following documents:

**DEFENDANT GREEN TREE SERVICING LLC'S RESPONSES TO
PLAINTIFF LEE C. KAMIMURA'S FIRST SET OF SPECIAL
INTERROGATORIES and VERIFICATION**


on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Severson & Werson's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 21, 2016, at San Francisco, California.


Kathi de Leon

SERVICE LIST

Kamimura vs. Green Tree Services, LLC

U.S.D.C., District of Nevada Court Case No. 2:16-cv-00783-APG-CWH

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